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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/773,586      | 02/06/2004  | Andrew Pennella      | 6579-0451           | 6731             |

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EXAMINER

PRONE, JASON D

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/773,586

Applicant(s)

PENNELLA, ANDREW

Examiner

Jason Prone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 9-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 2-8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In regards to claim 2, the phrase "the pivot ends are pivotally attached to the handle at the second point and the third point respectively" is unclear. The locations of the second and third points are disclosed in claim 1. Claim 1 discloses "the pivot link is pivotally attached to the handle at a first point, and to the first link at a second point, and to the second link at a third point". Using Figure 3, the first point is labeled as (42), the second point is (48) and the third point is (54). Lines 4-5 and 7-8 of paragraph [0019] of the specification state "the pivot end 44/55 of the first/second link 38/40 is pivotally attached to the handle. Lines 11-12 of paragraph [0023] state "...the axis(es) 86 about which the pivot ends 44,50 of links 38,40 rotate. Meaning the pivot ends are pivotally connected to the handle at 86. In view of the fact that item 86 is nowhere near items 54 and 48, it is unclear how the pivot ends are attached to the handle at the second and the third points. The specification does not provide any support for the pivot ends of the first and second links attaching to the handle at items 48 and 54. The specification

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clearly supports pivot ends attached at item 86. Also, in claim 2, the phrase "the pivot ends...are pivotable about a first axis extending through the second point and the third point" is unclear. This first axis is clearly labeled as 86, which is parallel to the blades 26. Using Figure 1, line connecting the second point (48) to either of the possible third points (54) is clearly not the same direction and clearly not the axis line that the pivot links pivot about. The specification does not provide any support of the pivot ends pivoting about any other axis than 86.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-8, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Pennella et al. (2003/0200660). (See page 7 of this Office action for examiner added numerals).

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in

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the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

In regards to claim 1, Pennella et al. discloses the same invention including a razor assembly (10), a razor cartridge (12), a shaving aid body (14), handle (16), a linkage having at least one first link (234), at least one second link (232), and at least one pivot link (236), the razor cartridge is attached to the first link (see lines 13-15 of paragraph [0098]), the shaving body is attached to the second link (see lines 11-13 of paragraph [0098]), the first and second links are pivotally attached to the handle (see lines 3-5 of paragraph [0098]), and the pivot link is pivotally attached to the handle at a first point (240), to the first link at a second point (corner 236b), and to the second link (corner 236a) in such a manner that the razor cartridge and the shaving aid body are movable relative to the handle and movement of the cartridge and shaving aid body in a first direction causes the other of the cartridge and shaving aid body to move in an opposite second direction (see paragraph [0099]).

In regards to claims 2, as best understood, Pennella et al. discloses the first link comprises a pivot end (236b), the second link comprises a pivot end (236a), and the pivot ends are pivotally attached to the handle at the second and third point respectively (Links 234 and 232 are connected to the handle at 236b and 236a via 236) and are pivotal about a first axis extending through the second point and the third point (see Figs. 26 and 27, as much as applicant's apparatus pivots about an axis extending through the second and third points).

In regards to claim 3-6, Pennella et al. discloses the pivot link is pivotable about a second axis coincident with the first point that is parallel to the first axis (240), the pivot arm comprises at least one first-link arm (236d) and at least one second-link arm (236c), the first-link and second-link arms are on opposite sides of the second axis (236), and the linkage is indirectly connected to one or both of the razor cartridge and the shaving aid (see lines 11-15 of paragraph [0098]).

In regards to claim 7 and 8, Pennella et al. discloses the shaving aid body is erodable and has a contact surface (see lines 1-3 of paragraph [0054]), the linkage is actuable to maintain a predetermined orientation between the contact surface and the razor cartridge (see lines 4-10 of paragraph [0012]), each razor blade has a cutting edge (31), and the linkage is operable to maintain the shaving plane approximately coplanar with the contact surface of the shaving aid body (see lines 16-20 of paragraph [0056]).

### ***Response to Arguments***

5. Applicant's arguments filed 26 August 2005 have been fully considered but they are not persuasive. Pennella et al. clearly discloses a pivot link attached to the handle, first link, and second link at 3 distinct points.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

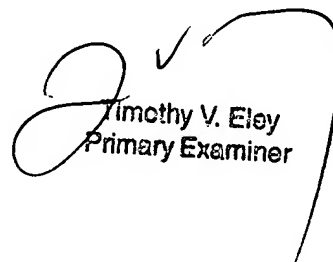
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is (571) 272-4513. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JP  
November 17, 2005



Timothy V. Eley  
Primary Examiner

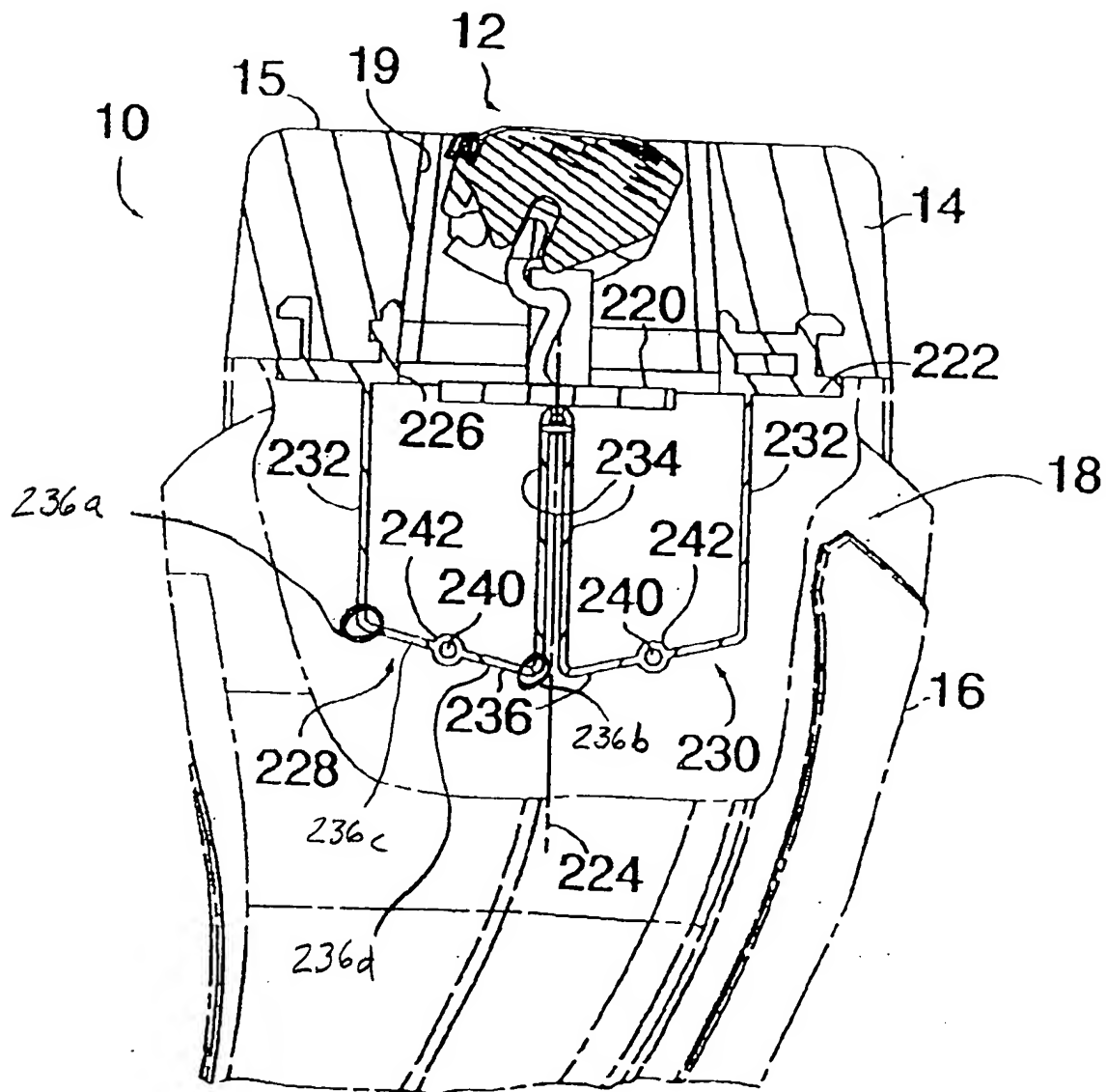


FIG. 27